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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,006	12/31/2001	Labhesh Patel	062891.0645	5690
5073	7590	06/21/2006	EXAMINER	
BAKER BOTTS L.L.P. 2001 ROSS AVENUE SUITE 600 DALLAS, TX 75201-2980				SAM, PHIRIN
			ART UNIT	PAPER NUMBER
			2616	

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SF

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/037,006	PATEL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Phirin Sam	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 31 December 2001.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-129 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-129 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

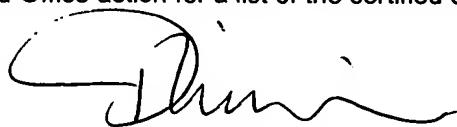
#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 December 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



PHIRIN SAM  
PRIMARY EXAMINER

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>04/24/03</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7, 9, 11-37, 43-49, 51, 53-79, 85-91, 93, 95-121, and 127-129 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 7,023,802 (hereinafter referred as “Kawahata”).

Kawahata discloses the invention (**claims 1-7, 9, and 11-16**) as claimed including a method for indicating the priority of a voice over Internet protocol (VoIP) call (see Fig. 14), comprising:

- (a) receiving a dialed number for a connection (see Figs. 1, 7, and 12, col. 4, lines 34-37, col. 7, lines 22-25);
- (b) generating a call setup request including the dialed number (see Figs. 2 and 14, col. 4, and lines 1-4);
- (c) receiving a priority for the call based on user input provided contemporaneously with the dialed number (see Figs. 1, 7, and 8 col. 4, lines 48-50, 54-59);
- (d) generating a priority indicator based on the priority (see Figs. 1, 7, and 8, col. 5, lines 12-16, 24-33);

- (e) transmitting the call setup request and priority indicator (see Figs. 1, 7, and 8, col. 5, lines 39-54).

**Regarding claims 17-27,** Kawahata discloses a method for indicating the priority of a Voice Over Internet Protocol (VoIP) call, comprising:

- (a) receiving a call setup request to dialed number (see Figs. 1, 7, and 12, col. 4, lines 34-37, and col. 7, lines 22-25);
- (b) receiving a priority indicator for the connection based on user input provided contemporaneously with the dialed number (see Figs. 1, 7, and 8, col. 4, lines 48-50, 54-59);
- (c) processing the call setup request to set up connection (see Figs. 12, col. 7, lines 23-25, 60-63);
- (d) transmitting the priority indicator for delivery to destination device for indication to a call recipient (see Figs. 1, 7, and 8, col. 5, lines 39-54).

**Regarding claims 28-37,** Kawahata discloses a method for indicating the priority of a Voice-Over-Internet-Protocol (VoIP) call, comprising:

- (a) ringing a dialed number to establish a connection with a calling party (see Fig. 12, col. 7, lines 22-25);
- (b) receiving a priority indicator for the connection based on user input provided contemporaneously with the dialed number (see Fig. 12, col. 8, lines 4-11);
- (c) indicating to a call recipient the priority of the connection (see Fig. 12, col. 8, and lines 12-31).

**Regarding claims 43-49, 51, and 53-58,** Kawahata discloses a system, comprising:

- (a) logic encoded in media (see Fig. 1, col. 3, lines 36-41);

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- (b) the logic being operable to receive a dialed number for a connection (see Figs. 1, 7, and 12, col. 4, lines 34-37, and col. 7, lines 22-25);
- (c) generate a call setup request including the dialed number (see Figs. 2 and 14, col. 4, lines 1-4);
- (d) receive a priority for the call based on user input provided contemporaneously with the dialed number (see Figs. 1, 7, and 8 col. 4, lines 48-50, 54-59);
- (e) generate a priority indicator based on the priority (see Figs. 1, 7, and 8, col. 5, lines 12-16, 24-33);
- (f) transmit the call setup request and priority indicator (see Figs. 1, 7-8, col. 5, lines 39-54).

**Regarding claims 59-69,** Kawahata discloses a system, comprising:

- (a) logic encoded in media (see Fig. 1, col. 3, lines 36-41);
- (b) the logic being operable to receive a call setup request to a dialed number (see Figs. 1, 7, and 12, col. 4, lines 34-37, and col. 7, lines 22-25);
- (c) receive a priority indicator for the connection based on user input provided contemporaneously with the dialed number (see Figs. 1, 7, and 8 col. 4, lines 48-50, 54-59);
- (d) process the call setup request to set up a connection (see Fig. 12, col. 7, lines 23-25, and 60-63);
- (e) transmit the priority indicator for delivery to a destination device for indication to a call recipient (see Figs. 1, 7, and 8, col. 5, lines 39-54).

**Regarding claims 70-79,** Kawahata discloses a system, comprising:

- (a) logic encoded in media (see Fig. 1, col. 3, lines 36-41);

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- (b) the logic being operable to ring a dialed number to establish a connection with a calling party (see Figs. 1, 7, and 12, col. 4, lines 34-37, and col. 7, lines 22-25);
- (c) receive a priority indicator for the connection based on user input provided contemporaneously with the dialed number (see Figs. 1, 7, and 8 col. 4, lines 48-50, 54-59);
- (d) indicate to a call recipient the priority of the connection (see Fig. 12, col. 8, lines 27-39).

**Regarding claims 85-91, 93, and 95-100,** Kawahata discloses system, comprising:

- (a) a means for receiving a dialed number connection (see Figs. 1, 7, and 12, col. 4, lines 34-37, and col. 7, lines 22-25);
- (b) a means for including the dialed number (see Fig. 12, col. 7, lines 44-59);
- (c) a means for receiving a priority for the call based on user input provided contemporaneously with the dialed number (see Figs. 1, 7, and 8 col. 4, lines 48-50, 54-59);
- (d) a means for generating a priority indicator based on the priority (see Figs. 1, 7, and 8, col. 5, lines 12-16, 24-33);
- (e) a means for transmitting the call setup request and priority indicator (see Figs. 1, 7, and 8, col. 5, lines 39-54).

**Regarding claims 101-111,** Kawahata discloses a system, comprising:

- (a) means for receiving setup request to a dialed number (see Figs. 1, 7, and 12, col. 4, lines 34-37, and col. 7, lines 22-25);
- (b) means for receiving priority indicator for the connection based on user input provided contemporaneously with the dialed number (see Figs. 1, 7, and 8 col. 4, lines 48-50, 54-59);
- (c) a means for processing the call setup request to set up a connection (see Figs. 12, col. 7, lines 23-25, 60-63);

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(d) a means for transmitting the priority indicator for delivery a destination device for indication to a recipient (see Figs. 1, 7, and 8, col. 5, lines 39-54).

**Regarding claims 112-121,** Kawahata discloses a system, comprising:

(a) means for ringing a dialed number establish connection with a calling party (see Figs. 1, 7, and 12, col. 4, lines 34-37, and col. 7, lines 22-25);

(b) means for receiving priority indicator for the connection based on user input provided contemporaneously with the dialed number (see Figs. 1, 7, and 8 col. 4, lines 48-50, 54-59);

(c) means indicating call recipient priority of the connection (see Figs. 1, 7, and 8, col. 5, lines 39-54).

**Regarding claims 127-129,** Kawahata discloses a method for indicating the priority of Voice Over Internet Protocol (VoIP) calls, comprising:

(a) receiving contemporaneously with placement of a call a user specified priority for the call (see Figs. 1, 7, and 8 col. 4, lines 48-50, 54-59);

(b) communicating the user specified priority as part of placement of the call for indication of the priority to a called party (see Fig. 12, col. 7, lines 44-63).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 8, 10, 38-42, 80-84, 92, 94, and 122-126 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,023,802 (hereinafter referred as “Kawahata”) in view of US Pub. 2004/0233892 (hereinafter referred as “Roberts”).

**Regarding claims 8, 10, 38-42, 80-84, 92, 94, and 122-126**, Kawahata doe not disclose the call priority is indicated by a flash light, the call priority is indicated by a display on an LCD display, and the call priority is indicated by a display by a spoken phrase. However, Roberts discloses disclose the call priority is indicated by a flash light, the call priority is indicated by a display on an LCD display, and the call priority is indicated by a display by a spoken phrase (see Fig. 1, abstract, paragraphs [0030], [0031]). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the call priority is indicated by a flash light, the call priority is indicated by a display on an LCD display, and the call priority is indicated by a display by a spoken phrase teaching by Roberts with Kawahata. The motivation for doing so would have been to provide to adapted perform a number of different actions if the call is from a priority caller read on paragraph [0012]. Therefore, it would have been obvious to combine Roberts and Kawahata to obtain the invention as specified in the claims 8, 10, 38-42, 80-84, 92, 94, and 122-126

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) US Patent 6,760,309 (Rochberger et al) discloses method of dynamic prioritization of time sensitive packets over a packet based network.

(2) US Patent 6,570,873 (Isoyama et al) discloses system and method for scheduling reservation of traffic with priority.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phirin Sam whose telephone number is (571) 272-3082. The examiner can normally be reached on a compress schedule, from 8:00-5:30, first Wed off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571) 272 - 3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Respectfully submitted,

Date: June 16, 2006



PHIRIN SAM  
PRIMARY EXAMINER